

00-10949

Entered - 12-6-99-sb

CL 99L0817- GWENDOLYN BURNS

ADVERSE REPORT

City Public Safety

CLAIM OF: JANICE LOWE, on behalf of her deceased husband, 6-27-00

THOMAS E. LOWE,

through her attorneys

WEBB & D'ORAZIO

1950 Spectrum Circle,

Suite B-370

Marietta, Georgia 30067

CHM.

C. T. Williams

C. T. Williams

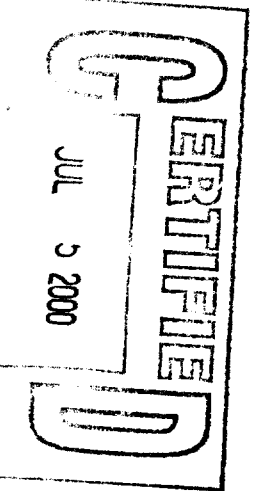
[Signature]

For damages alleged to have been sustained as a result of a wrongful death on May 19, 1999 at the Wachovia Bank Building, 15 Peachtree Street.

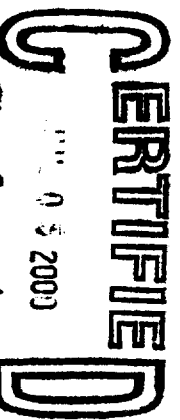
THIS ADVERSED REPORT IS APPROVED

BY:

[Signature]
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY



ADVERSED BY
CITY COUNCIL JUL 05 2000



[Signature]
MUNICIPAL CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

July 18, 2000

Webb & D'Orazio
Attorneys at Law
1950 Spectrum Circle
Suite B-370
Marietta, GA 30067

00-R-0949

RE: Janice Lowe, on behalf of her deceased
husband, Thomas E. Lowe

Dear Attorney Webb:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 5, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0817

Date: June 16, 2000

Claimant /Victim JANICE LOWE on behalf of her deceased husband, THOMAS E. LOWE

BY: (Atty) (Ins. Co.) Robert F. Webb, WEBB & D'ORAZIO,

Address: 1950 Spectrum Circle, Suite B-370, Marietta, Georgia 30067

Subrogation: _____ Claim for damage \$ unspecified Bodily Injury \$ _____

Date of Notice: 12/2/99 Method: Written, Proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 5/19/99 Place: Wachovia Bank Building, 15 Peachtree Street

Department PLANNING, DEVELOPMENT & NEIGHBORHOOD CONSERVATION Division Buildings

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that the City caused or contributed to the wrongful death of her husband, Thomas E. Lowe, when it allowed the Wachovia Bank Building to be occupied with employees while existing building conditions were dangerous and in violation of applicable building and fire codes. However, the City is immune from liability as set forth in O.C.G.A §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 100.00 Adverse ☒ Account charged: 1A01 ☐ 2J01 ☐ 2H01 ☐

Claims Manager: Wanda L. H. Hill Concur/date 07-16-20

Committee Action: _____ Council Action _____

WEBB & D'ORAZIO

Attorneys at Law
1950 Spectrum Circle
Suite B-370
Marietta, Georgia 30067

BURNS
12/02/99
D

Robert F. Webb
John S. D'Orazio

Of Counsel
Allan R. Smith
Thomas M. Stubbs

ENTERED - 12-6-99 - SB
99L0817 - GWEN BURNS

NOV 17 1999 Telephone
(770) 952-7000

Telecopier
(770) 955-8582

November 17, 1999

Via Hand Delivery by Courier

Mayor Bill Campbell
City of Atlanta
55 Trinity Avenue, SW
Suite 2400
Atlanta, Georgia 30335

The Honorable Robb Pitts
Chairman, City Council
City of Atlanta
55 Trinity Avenue, SW
Suite 2900
Atlanta, Georgia 30355

Re: Notice of Claim for Money Damages
Wrongful Death of Thomas Edward Lowe
Date of Occurrence: May 19, 1999

Dear Mayor Campbell and Chairman Pitts:

This firm represents Janice Lowe in her capacities as the surviving spouse of Thomas E. Lowe, deceased, and the administrator of the Estate of Thomas E. Lowe.

On May 19, 1999 Thomas E. Lowe died while working in the Wachovia Bank Building, 15 Peachtree Street in the city of Atlanta. Mr. Lowe's death was caused or contributed to by the City of Atlanta when it allowed said Wachovia Bank Building to be occupied with existing conditions that were in violation of applicable building and fire codes. In fact, on the date of the occurrence emergency medical personnel were prevented from transporting Mr. Lowe to the hospital in a timely manner by such conditions and which contributed to his demise. I have enclosed a copy of an article appearing in the *Atlanta Journal-Constitution* on July 31, 1999 concerning this occurrence.

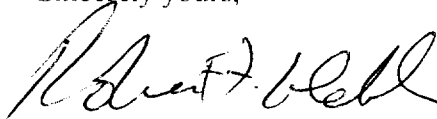
00- R-0949

Mayor Bill Campbell
The Honorable Robb Pitts
Page 2

At this time Mrs. Lowe presents a claim for the wrongful death of her husband and for the claims of the Estate of Thomas E. Lowe for burial expenses and for his pain and suffering against the City of Atlanta. These claims are presented for adjustment by the City of Atlanta.

This notice of claim is made pursuant to O. C. G. A. §36-33-5 for the purposes stated therein.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert F. Webb", written in a cursive style.

Robert F. Webb

RFW
enclosure
cc: Mrs. Janice Lowe

RCS# 2057
7/05/00
1:38 PM

Atlanta City Council

Regular Session

**_**

Consent Agenda pgs. 1-13

Adopt

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

NV McCarty
Y Starnes
Y Bond
B Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
B Emmons
B Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0982
00-O-0996
00-R-0954
00-R-0981
00-R-0999

**_**

07/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> 1. 00-O-0882 2. 00-O-0815 3. 00-O-0986 4. 00-O-0987 5. 00-O-0988 6. 00-O-1002 7. 00-O-0574 8. 00-O-0972 9. 00-O-0818 10. 00-R-0990 11. 00-R-0992 12. 00-R-0993 13. 00-R-0885 14. 00-R-0884 15. 00-R-0883 16. 00-R-0880 17. 00-R-0814 18. 00-R-0957 19. 00-R-0961 20. 00-R-0998 21. 00-R-0887 22. 00-R-0888 23. 00-R-0889 24. 00-R-0997 25. 00-R-0892 26. 00-R-0955 27. 00-R-0984 28. 00-R-1000 29. 00-R-0908 30. 00-R-0909 31. 00-R-0910 32. 00-R-0911 33. 00-R-0912 34. 00-R-0913 35. 00-R-0944 36. 00-R-0945 37. 00-R-0946 	<ol style="list-style-type: none"> 38. 00-R-0914 39. 00-R-0915 40. 00-R-0916 41. 00-R-0917 42. 00-R-0918 43. 00-R-0919 44. 00-R-0920 45. 00-R-0921 46. 00-R-0922 47. 00-R-0923 48. 00-R-0924 49. 00-R-0925 50. 00-R-0926 51. 00-R-0927 52. 00-R-0928 53. 00-R-0929 54. 00-R-0930 55. 00-R-0931 56. 00-R-0932 57. 00-R-0933 58. 00-R-0934 59. 00-R-0935 60. 00-R-0936 61. 00-R-0937 62. 00-R-0938 63. 00-R-0939 64. 00-R-0940 65. 00-R-0941 66. 00-R-0942 67. 00-R-0943 68. 00-R-0947 69. 00-R-0948 70. 00-R-0949 71. 00-R-0950 72. 00-R-0951